

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Amendment No. 4 to HB1288

DeBerry J
Signature of Sponsor

AMEND Senate Bill No. 287*

House Bill No. 1288

by deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 45-17-112(i), is amended by deleting the first sentence in its entirety and by substituting instead the following language:

If a check is returned to the licensee from a payer financial institution due to insufficient funds, closed account or a stop payment order, the licensee shall have the right to all civil means available and allowed by law to collect the check, including the right to collect court costs and reasonable attorney fees incurred in bringing the civil action as authorized in §47-29-101(a)(4) and (5), and shall further have the authority to assess a handling charge against the maker or drawer in the amount authorized by §47-29-102; provided, however, that a licensee proceeding under this subsection shall not be entitled to a fee under subsection (b) in an amount that exceeds the lesser of twelve and one-half percent (12.5%) of the face amount of the check or twenty-five dollars (\$25.00). The court shall deduct from the licensee's recovery any amount by which the fee charged under subsection (b) exceeds the limitation established in this subsection. No other provisions of Title 47, Chapter 29, are applicable to or for a licensee under this part.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Amendment No. 4 to HB1288

DeBerry J
Signature of Sponsor

AMEND Senate Bill No. 287*

House Bill No. 1288

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

Section 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.